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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/656,687
Filing Date: September 05, 2003
Appellant(s): THOMPSON, JAMES ALFRED

Robert P. Lord
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/01/2011 appealing from the Office action mailed 09/02/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1, 3 – 15, 18, 19, 21 – 27 and 30 – 39 are currently pending.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

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subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

2004/0128508	Wheeler et a.
4,502,609	Christatos
7,111,318	Vitale et al.
6,785,908	Kamiya
6,472,973	Harold et al.
2002/0147982	Naidoo et al.
2004/0050930	Rowe
3,812,279	Voegeli
4,626,616	Masters
4,365,723	Palermo
6,179,144	Abroy

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 – 7, 9, 10, 12, 13, 15, 18, 30, 33 and 35 – 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler et al. (Pub No US 2004/0128508) in view of Christatos (Patent No US 4,502,609) further in view of Vitale et al. (Patent No US 7,111,318) further in view of Kamiya (Patent No US 6,785,908). Hereinafter, referenced as Wheeler, Christatos, Vitale and Kamiya, respectively.

Regarding **claim 1**, Wheeler discloses an authentication device configured to obtain authentication information from an authentication medium (Paragraph [0022]; also exhibited on figure 10);

an electronic access control system configured to be operatively connected to an access administration system over at least a portion of a network infrastructure (Paragraphs [0059] [0095]; fig 10, the requesting entity 12 sends an access request via a communication medium, such as the internet, intranet or a physical wiring),

wherein the electronic access control system is configured to grant access to the restricted area upon receiving verification of the authentication information (Paragraphs [0022] [0095], figure 10),

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and a lock operatively connected to the electronic access control system, wherein the lock is configured to receive a signal from the electronic access control system to electronically unlock the restricted area when access to the cable distribution box is granted (Paragraphs [0022] [0095] also exhibited on fig 10).

However, it is noted that Wheeler fails to explicitly disclose that the restricted area is a cable distribution box with a locking device.

Nevertheless, in a similar field of endeavor Christatos discloses that the restricted area is a cable distribution box with a locking mechanism (Col. 3 lines 14-17, col. 4 lines 48-61 also exhibited on figures 1 and 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler by specifically providing the elements mentioned above, as taught by Christatos, for the purpose applying a known technique to improve the security aspects of a cable distribution box locking mechanism for a predictable result of discouraging the theft of cable services, allowing companies to protect their product more competently by implementing a more efficient and sophisticated security mechanism.

However, it is noted that Wheeler and Christatos fail to explicitly disclose establishing a connection with a remote system over cable network infrastructure.

Nevertheless, in a similar field of endeavor Vitale discloses establishing a connection with a remote system over cable network infrastructure (Col. 5 lines 29-33 and 42-44, col. 22 lines 53-64, figure 1 and 2).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler and Christatos by specifically providing the elements mentioned above, as taught by Vitale, for the purpose implementing a transmission medium that is already available, which avoids the necessity to build and maintain a different infrastructure in order to send data from a remote place to a base station, which saves funds for the company.

However, it is noted that Wheeler, Christatos and Vitale fail to explicitly disclose that network components are configured to be solely powered using current obtained from a coaxial cable line operatively connected to the cable distribution box.

Nevertheless, in a similar field of endeavor Kamiya discloses that network components are configured to be solely powered using current obtained from a coaxial cable line operatively connected to the cable distribution box (Col. 7 lines 57-60, col. 9 lines 44-47 and figures 1 and 2; a plurality of tap devices 6 in a cable network are powered by power supply device 22, where each tap device includes electronic components which are powered by said power source, e.g. control circuit 54, drive circuit 56, switches, etc).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler, Christatos and Vitale by specifically providing the elements mentioned above, as taught by Kamiya, for the purpose of eliminating the need to include two or more different set of cables, for data transmission and for providing power, which is economically suitable for content providers.

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Regarding **claim 3**, Wheeler, Christatos, Vitale and Kamiya disclose the cable distribution box of claim 1; moreover, Wheeler discloses a communication device operatively connected to the electronic access control system and configured to provide communication services between the electronic access control system and the access administration system (Paragraph [0059] fig 10).

Regarding **claim 4**, Wheeler, Christatos, Vitale and Kamiya disclose the cable distribution box of claim 3; moreover, Wheeler discloses that the communication device is at least one selected from the group consisting of a communication adapter and a cable modem (Paragraph [0059] also exhibited on fig 10; communication medium is the internet, where the internet implements modems for communication).

Regarding **claim 5**, Wheeler, Christatos, Vitale and Kamiya disclose the cable distribution box of claim 1; moreover, Wheeler discloses that the access administration system comprises at least one selected from the group consisting of access administration hardware, access administration software, and firmware (Access authentication component [16], paragraph [0095] also exhibited on fig 10).

Regarding **claim 6**, Wheeler, Christatos, Vitale and Kamiya disclose the cable distribution box of claim 1; moreover, Wheeler discloses that the electronic access control system comprises at least one selected from the group consisting of access

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control software, access control hardware, and firmware (Requesting entity [12] gains access through card reader [224], paragraph [0095] also exhibited on fig 10).

Regarding **claim 7**, Wheeler, Christatos, Vitale and Kamiya disclose the cable distribution box of claim 1; moreover, Wheeler discloses that the authentication device is a card reader and the authentication medium is an access card (Requesting entity [12] gains access through card reader [224] by presenting card [22], paragraph [0095] also exhibited on figure 10).

Regarding **claim 9**, Wheeler, Christatos, Vitale and Kamiya disclose the cable distribution box of claim 1; moreover, Wheeler discloses that the access administration system is configured to collect the authentication information (Paragraphs [0088] [0094] [0095] also exhibited on figure 10).

Regarding **claim 10**, Wheeler, Christatos, Vitale and Kamiya disclose the cable distribution box of claim 1; moreover, Wheeler discloses that the access administration system is configured to generate a work log from the authentication information and the work log data (Paragraphs [0088] [0094] [0095] fig 10).

Regarding **claim 12**, Wheeler, Christatos, Vitale and Kamiya disclose the cable distribution box of claim 1; moreover, Wheeler discloses that the access administration

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system is configured to verify the authentication information using a request-response authentication method (Paragraph [0008]; refer to claim 6 of the reference).

Regarding **claim 13**, Wheeler, Christatos, Vitale and Kamiya disclose the cable distribution box of claim 1; moreover, Wheeler discloses that the access administration system is configured to verify the authentication information using a challenge-response authentication method (Paragraph [0086]; the authentication factors of the system [160] requires knowledge of secret confidential information such as a PIN number).

Regarding **claim 15**, Wheeler, Christatos, Vitale and Kamiya disclose the cable distribution box of claim 1; moreover, Wheeler discloses that communication between the access administration system and the electronic access control system is encrypted (Transmission of personal information requires encryption, paragraph [0012]).

Regarding **claim 18**, Wheeler, Christatos, Vitale and Kamiya disclose the cable distribution box of claim 3; moreover, Wheeler discloses restricted area comprising a communication device (Paragraphs [0077] [0095] also exhibited on figure 10).

However, it is noted that Wheeler fails to explicitly disclose that the restricted area is a cable distribution box with a locking device.

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Nevertheless, in a similar field of endeavor Christatos discloses that the restricted area is a cable distribution box with a locking mechanism (Col. 3 lines 14-17, col. 4 lines 48-61 also exhibited on figures 1 and 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler by specifically providing the elements mentioned above, as taught by Christatos, for the purpose applying a known technique to improve the security aspects of a cable distribution box locking mechanism for a predictable result of discouraging the theft of cable services, allowing companies to protect their product more competently by implementing a more efficient and sophisticated security mechanism.

However, it is noted that Wheeler, Christatos and Vitale fail to explicitly disclose that the components are configured to be solely powered using current obtained from the coaxial cable line operatively connected to the cable distribution box.

Nevertheless, in a similar field of endeavor Kamiya discloses that the components are configured to be solely powered using current obtained from the coaxial cable line operatively connected to the cable distribution box (Col. 7 lines 57-60, col. 9 lines 44-47 and figures 1 and 2; a plurality of tap devices 6 in a cable network are powered by power supply device 22, where each tap device includes electronic components which are powered by said power source, e.g. control circuit 54, drive circuit 56, switches, etc).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler, Christatos and Vitale by specifically

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providing the elements mentioned above, as taught by Kamiya, for the purpose of eliminating the need to include two or more different set of cables, for data transmission and for providing power, which is economically suitable for content providers.

Regarding **claim 30**, Wheeler discloses a method for accessing a restricted area, comprising: obtaining authentication information from an authentication medium (Paragraph [0022]; fig 10);

sending an access request over at least a portion of a network infrastructure to an access administration system, wherein the access request comprises the authentication information (Paragraphs [0059] [0095]; fig 10, the requesting entity 12 sends an access request via a communication medium, such as the internet, intranet or a physical wiring);

verifying the access request by the access administration system (Paragraphs [0022] [0095] also exhibited on fig 10);

generating a work log associated with the access request (Paragraph [0077] also exhibited on fig 10);

and granting access to the restricted area when the access request is verified, where the granting access to the restricted area comprises electronically unlocking the restricted area (Paragraphs [0022] [0095], also exhibited on fig 10).

However, it is noted that Wheeler fails to explicitly disclose that the restricted area is a cable distribution box with a locking device.

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Nevertheless, in a similar field of endeavor Christatos discloses that the restricted area is a cable distribution box with a locking mechanism (Col. 3 lines 14-17, col. 4 lines 48-61 also exhibited on figures 1 and 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler by specifically providing the elements mentioned above, as taught by Christatos, for the purpose applying a known technique to improve the security aspects of a cable distribution box locking mechanism for a predictable result of discouraging the theft of cable services, allowing companies to protect their product more competently by implementing a more efficient and sophisticated security mechanism.

However, it is noted that Wheeler and Christatos fail to explicitly disclose establishing a connection with a remote system over cable network infrastructure.

Nevertheless, in a similar field of endeavor Vitale discloses establishing a connection with a remote system over cable network infrastructure (Col. 5 lines 29-33 and 42-44, col. 22 lines 53-64, figure 1 and 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler and Christatos by specifically providing the elements mentioned above, as taught by Vitale, for the purpose implementing a transmission medium that is already available, which avoids the necessity to build and maintain a different infrastructure in order to send data from a remote place to a base station, which saves funds for the company.

However, it is noted that Wheeler, Christatos and Vitale fail to explicitly disclose using current obtained solely from a coaxial cable line operatively connected to the cable distribution box to power network components; and operating switches using current obtained solely from the coaxial cable line.

Nevertheless, in a similar field of endeavor Kamiya discloses using current obtained solely from a coaxial cable line operatively connected to the cable distribution box to power network components; and operating switches using current obtained solely from the coaxial cable line (Col. 7 lines 57-60, col. 9 lines 44-47 and figures 1 and 2; a plurality of tap devices 6 in a cable network are powered by power supply device 22, where each tap device includes electronic components which are powered by said power source, e.g. control circuit 54, drive circuit 56, switches, etc).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler, Christatos and Vitale by specifically providing the elements mentioned above, as taught by Kamiya, for the purpose of eliminating the need to include two or more different set of cables, for data transmission and for providing power, which is economically suitable for content providers.

Regarding **claim 33**, Wheeler, Christatos, Vitale and Kamiya disclose the method of claim 30, moreover, Wheeler discloses unlocking the restricted area when access has been granted (Paragraphs [0022] [0095] also exhibited on fig 10).

However, it is noted that Wheeler fails to explicitly disclose that the restricted area is a cable distribution box with a locking device.

Nevertheless, in a similar field of endeavor Christatos discloses that the restricted area is a cable distribution box with a locking mechanism (Col. 3 lines 14-17, col. 4 lines 48-61 also exhibited on figures 1 and 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler by specifically providing the elements mentioned above, as taught by Christatos, for the purpose applying a known technique to improve the security aspects of a cable distribution box locking mechanism for a predictable result of discouraging the theft of cable services, allowing companies to protect their product more competently by implementing a more efficient and sophisticated security mechanism.

Regarding **claim 36**, Wheeler, Christatos, Vitale and Kamiya disclose the cable distribution box of claim 1; moreover, Wheeler discloses that the access to the restricted area is granted by an access control system (Paragraph [0095]; fig 10).

However, it is noted that Wheeler fails to explicitly disclose that the restricted area is a cable distribution box with a locking device.

Nevertheless, in a similar field of endeavor Christatos discloses that the restricted area is a cable distribution box with a locking mechanism (Col. 3 lines 14-17, col. 4 lines 48-61 also exhibited on figures 1 and 2).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler by specifically providing the elements mentioned above, as taught by Christatos, for the purpose applying a known technique to improve the security aspects of a cable distribution box locking mechanism for a predictable result of discouraging the theft of cable services, allowing companies to protect their product more competently by implementing a more efficient and sophisticated security mechanism.

Regarding **claims 35, 37 and 38**, Wheeler, Christatos, Vitale and Kamiya disclose all the limitations of claims 35, 37 and 38; therefore, claims 35, 37 and 38 are rejected for the same reasons as in claims 5, 6 and 18, respectively.

Regarding **claim 39**, Wheeler discloses an apparatus for accessing a restricted area, comprising: means for obtaining authentication information from an authentication medium (Paragraph [0022]; fig 10);

means for sending an access request over at least a portion of a network infrastructure to an access administration system, wherein the access request comprises the authentication information (Paragraphs [0022] [0095]; fig 10);

means for verifying the access request; means for generating a work log associated with the access request (Paragraphs [0077] [0095]; figure 10).

and means for electronically unlocking the restricted area when the access request is verified (Paragraphs [0077] [0095]; also exhibited on figure 10).

However, it is noted that Wheeler fails to explicitly disclose that the restricted area is a cable distribution box with a locking device.

Nevertheless, in a similar field of endeavor Christatos discloses that the restricted area is a cable distribution box with a locking mechanism (Col. 3 lines 14-17, col. 4 lines 48-61 also exhibited on figures 1 and 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler by specifically providing the elements mentioned above, as taught by Christatos, for the purpose applying a known technique to improve the security aspects of a cable distribution box locking mechanism for a predictable result of discouraging the theft of cable services, allowing companies to protect their product more competently by implementing a more efficient and sophisticated security mechanism.

However, it is noted that Wheeler and Christatos fail to explicitly disclose establishing a connection with a remote system over cable network infrastructure.

Nevertheless, in a similar field of endeavor Vitale discloses establishing a connection with a remote system over cable network infrastructure (Col. 5 lines 29-33 and 42-44, col. 22 lines 53-64, figure 1 and 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler and Christatos by specifically providing the elements mentioned above, as taught by Vitale, for the purpose implementing a

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transmission medium that is already available, which avoids the necessity to build and maintain a different infrastructure in order to send data from a remote place to a base station, which saves funds for the company.

However, it is noted that Wheeler, Christatos and Vitale fail to explicitly disclose using current obtained solely from a coaxial cable line operatively connected to the cable distribution box to power network components; and operating switches using current obtained solely from the coaxial cable line.

Nevertheless, in a similar field of endeavor Kamiya discloses using current obtained solely from a coaxial cable line operatively connected to the cable distribution box to power network components; and operating switches using current obtained solely from the coaxial cable line (Col. 7 lines 57-60, col. 9 lines 44-47 and figures 1 and 2; a plurality of tap devices 6 in a cable network are powered by power supply device 22, where each tap device includes electronic components which are powered by said power source, e.g. control circuit 54, drive circuit 56, switches, etc).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler, Christatos and Vitale by specifically providing the elements mentioned above, as taught by Kamiya, for the purpose of eliminating the need to include two or more different set of cables, for data transmission and for providing power, which is economically suitable for content providers.

Claims 19, 21 – 23, and 25 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler in view of Christatos further in view of Kamiya.

Regarding **claim 19**, Wheeler discloses an authentication device configured to obtain authentication information from an authentication medium (Paragraph [0022]; also exhibited on figure 10);

a memory operatively connected to the authentication device comprising verification information and work log data (Paragraphs [0059] [0095], fig 10);

and an access control system operatively connected to the authentication device and the memory, wherein the electronic access control system is configured to grant access to the restricted area based on the verification information and the authentication information (Paragraphs [0022] [0077] [0095]; figure 10);

a lock operatively connected to the electronic access control system, wherein the lock is configured to receive a signal from the electronic access control system to electronically unlock the restricted area when access to the restricted area is granted (Paragraphs [0022] [0095] also exhibited on fig 10).

However, it is noted that Wheeler fails to explicitly disclose that the restricted area is a cable distribution box with a locking device.

Nevertheless, in a similar field of endeavor Christatos discloses that the restricted area is a cable distribution box with a locking mechanism (Col. 3 lines 14-17, col. 4 lines 48-61 also exhibited on figures 1 and 2).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler by specifically providing the elements mentioned above, as taught by Christatos, for the purpose applying a known technique to improve the security aspects of a cable distribution box locking mechanism for a predictable result of discouraging the theft of cable services, allowing companies to protect their product more competently by implementing a more efficient and sophisticated security mechanism.

However, it is noted that Wheeler, Christatos and Vitale fail to explicitly disclose that network components are configured to be solely powered using current obtained from a coaxial cable line operatively connected to the cable distribution box.

Nevertheless, in a similar field of endeavor Kamiya discloses that network components are configured to be solely powered using current obtained from a coaxial cable line operatively connected to the cable distribution box (Col. 7 lines 57-60, col. 9 lines 44-47 and figures 1 and 2; a plurality of tap devices 6 in a cable network are powered by power supply device 22, where each tap device includes electronic components which are powered by said power source, e.g. control circuit 54, drive circuit 56, switches, etc).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler, Christatos and Vitale by specifically providing the elements mentioned above, as taught by Kamiya, for the purpose of eliminating the need to include two or more different set of cables, for data transmission and for providing power, which is economically suitable for content providers.

Regarding **claims 21, 22, 23, 25, and 26**, Wheeler, Christatos and Kamiya disclose all the limitations of claims 21, 22, 23, 25, and 26; therefore, claims 21, 22, 23, 25, and 26 are rejected for the same reasons as in claims 7, 9, 10, 12 and 13, respectively.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler in view of Christatos further in view of Vitale in view of Kamiya further in view of Harold et al. (Patent No US 6,472,973). Hereinafter referenced as Harold.

Regarding **claim 8**, Wheeler, Christatos, Vitale and Kamiya disclose the cable distribution box of claim 7; moreover, Wheeler discloses an access administration system (Paragraph [0095] also exhibited on fig 10).

However, it is noted that Wheeler, Christatos, Vitale and Kamiya fail to explicitly disclose that the access administration system includes functionality to disable the access card.

Nevertheless, in a similar field of endeavor Harold discloses that the access administration system includes functionality to disable the access card (Column 5 lines 24-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler, Christatos, Vitale and Kamiya by

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specifically providing the elements mentioned above, as taught by Harold, for the purpose of avoiding access of unwanted people to the cable box, where disabling the card is a fast and efficient way to do so.

Claims 11, 24, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler in view of Christatos in view of Vitale in view of Kamiya further in view of Naidoo et al. (Pub No US 2002/0147982). Hereinafter referenced as Naidoo.

Regarding **claim 11**, Wheeler, Christatos, Vitale and Kamiya disclose the cable distribution box of claim 10; moreover, Wheeler discloses that the access administration system includes functionality to analyze the access action to determine whether a response is required (Paragraph [0081]).

However, it is noted that Wheeler, Christatos, Vitale and Kamiya fail to explicitly disclose the functionality to send an alert to an appropriate entity if the response is required.

Nevertheless, in a similar field of endeavor Naidoo discloses the functionality to send an alert to an appropriate entity if the response is required (Paragraph [0076]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler, Christatos, Vitale and Kamiya by specifically providing such element, as taught by Naidoo, for the purpose of notifying the

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company and the police about a possible unauthorized access to the cable box, in order to take action as soon as possible increasing the chances to catch the criminal.

Regarding **claim 24**, Wheeler, Christatos, Vitale, Kamiya and Naidoo disclose all the limitations of claim 24; therefore, claim 24 is rejected for the same reasons as in claim 11.

Regarding **claim 31**, Wheeler, Christatos, Vitale and Kamiya discloses the method of claim 30; moreover, Wheeler discloses uploading the work log to the access administration system (Paragraphs [0059] [0077]);

analyzing the work log to determine whether a response is required (Paragraph [0081]).

However, it is noted that Wheeler, Christatos, Vitale and Kamiya fail to explicitly disclose sending an alert to an appropriate entity if the response is required.

Nevertheless, in a similar field of endeavor Naidoo discloses sending an alert to an appropriate entity if the response is required (Paragraph [0076]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler, Christatos, Vitale and Kamiya by specifically providing such element, as taught by Naidoo, for the purpose of notifying the company and the police about a possible unauthorized access to the cable box, in order to take action as soon as possible increasing the chances to catch the criminal.

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Regarding **claim 32**, Wheeler, Christatos, Vitale and Kamiya discloses the method of claim 30; moreover, Wheeler discloses a restricted area (abstract). However, it is noted that Wheeler fails to explicitly disclose that the restricted area is a cable distribution box with a locking device.

Nevertheless, in a similar field of endeavor Christatos discloses that the restricted area is a cable distribution box with a locking mechanism (Col. 3 lines 14-17, col. 4 lines 48-61 also exhibited on figures 1 and 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler by specifically providing the elements mentioned above, as taught by Christatos, for the purpose applying a known technique to improve the security aspects of a cable distribution box locking mechanism for a predictable result of discouraging the theft of cable services, allowing companies to protect their product more competently by implementing a more efficient and sophisticated security mechanism.

However, it is noted that Wheeler, Christatos, Vitale and Kamiya fail to explicitly disclose continuously monitoring the restricted area to determine the status.

Nevertheless, in a similar field of endeavor Naidoo discloses continuously monitoring the cable distribution box to determine the status (Paragraph [0016]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler, Christatos, Vitale and Kamiya by specifically providing such element, as taught by Naidoo, for the purpose of keeping control at all times of who has access to the restricted area.

Claims 14, 27 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler in view of Christatos in view of Vitale in view of Kamiya further in view of Rowe (Pub No US 2004/0050930). Hereinafter referenced as Rowe.

Regarding **claim 14**, Wheeler, Christatos, Vitale and Kamiya disclose the cable distribution box of claim 1; moreover, Wheeler discloses that communication data is encrypted (Paragraphs [0009] [0012]).

However, it is noted that Wheeler, Christatos, Vitale and Kamiya fail to explicitly disclose that communication between the authentication device and the access control system is encrypted.

Nevertheless, in a similar field of endeavor Rowe discloses that communication between the authentication device and the access control system is encrypted (Paragraph [0002] [0031]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wheeler, Christatos, Vitale and Kamiya by specifically providing such element, as taught by Rowe, for the purpose of providing a high level of security which decreases the chances for private data to be stolen.

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Regarding **claim 27**, Wheeler, Christatos, Kamiya and Rowe disclose all the limitations of claim 27; therefore, claim 27 is rejected for the same reasons as in claim 14.

Regarding **claim 34**, Wheeler, Christatos, Vitale, Kamiya and Rowe disclose all the limitations of claim 34; therefore, claim 34 is rejected for the same reasons as in claim 14.

(10) Response to Argument

Appellant's arguments on appeal brief filed 02/01/2011 have been fully considered, but they are not persuasive.

A - With respect to claims 1, 3 – 7, 9, 10, 12, 13, 15, 18, 30, 33 and 35 – 39, appellant argues that the examiner has failed to properly weight the rebuttal evidence against the prima facie case of obviousness; specially the appellant argues that (i) the examiner has failed to properly consider the probative value of the previously submitted declarations, see page 10 lines 7-11 and page 15 line 6 of appeal brief.

Regarding claims 1, 3 – 7, 9, 10, 12, 13, 15, 18, 30, 33 and 35 – 39, the appellant submits that the examiner has failed to consider the probative value of the submitted declarations. Specially, the appellant disputes that the examiner fails to consider the strength of any opposing evidence, the interest of the expert and the presence of factual support.

However, the declarations filed under 37 CFR 1.132 to establish long felt need filed on 10/15/2009 and 07/09/2010 are insufficient to overcome the rejection of independent claims 1, 19 and 30 based upon Wheeler, Christatos, Vitale and Kamiya as set forth in the last Office action because: Based on the disclosure of the current application and the declarations submitted under 37 CFR 1.132, the pertinent problem being solved is: the prevention of cable theft. Nevertheless, Christatos seeks to provide

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an improved lock box including a safety locking mechanism in order to prevent inadvertent access to the television distribution circuitry inside the box, i.e. television cable taps and splitters, which prevents unauthorized tapping of cable television; col. 1 line 66- col. 2 lines 2.

The filed declarations simply state that the amount of cable theft has decreased compared to the usage of physical lock systems such as that of Christatos. However, the examiner notes that the present application is merely improving on the already solved problem of preventing cable theft, by implementing newer security techniques such as using an electronic lock to substitute a physical mechanical lock. Therefore, the long felt need for the prevention of cable theft was already solved by another (e.g. Christatos) before the invention of the appellant.

Furthermore, the pertinent prior art references cited in the office action mailed on September 02, 2010 (i.e. Voegeli, Masters, Palermo et al. and Abroy et al.) also seek to solve the same problem as the current application. More specifically, Voegeli (Patent No US 3,812,279) includes a lock 28 which allows limited access to the television distribution circuitry box by authorized personal only; col. 1 lines 17-20 figure 7; Masters (Patent No US 4,626,616) teaches a lock 20 and key 21 in circuit housing 2 which functions as an anti-tapping device to prevent unauthorized connections to TV distribution boxes; col. 2 lines 13-20 figure 1. Hence, the existence of prior art references showing solutions to the already solved problem of preventing cable theft is evidence that there is no long-felt need, as argued by the appellant.

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The examiner notes that the filed declaration by Robert Shugarman states that cable theft has been a problem (point 11) and that since deployment of the remote security system RSS cable distribution boxes there have been no incidents of cable theft (point 15). The declaration by Terry Paul states that cable theft has been a problem (point 11) and that he is not aware of any incidents of cable theft since the RSS cable box was deployed (point 18). The declaration by Terry Paul states that cable theft has been a problem (point 16) and that before installing the RSS system they experienced several thefts, but now he is not aware of any incidents of cable theft since the RSS cable box was installed (point 21). However, the examiner notes that these statements are evidence to the improvement of an already existing mechanism, which was implemented for the prevention of cable theft. Therefore, there is no long felt need for a problem that has been already solved.

With respect to claims 1, 3 – 7, 9, 10, 12, 13, 15, 18, 30, 33 and 35 – 39, appellant argues that the examiner has failed to properly weight the rebuttal evidence against the prima facie case of obviousness; specially the appellant argues that (ii) the examiner has failed to properly establish that the rebuttal evidence is insufficient, see page 10 lines 7-11 and page 16 line 6 of appeal brief.

The declarations filed under 37 CFR 1.132 to establish long felt need filed on 10/15/2009 and 07/09/2010 are insufficient to overcome the rejection of independent claims 1, 19 and 30 based upon Wheeler, Christatos, Vitale and Kamiya as set forth in the last Office action because: Based on the disclosure of the current application and the declarations submitted under 37 CFR 1.132, the pertinent problem being solved is: the prevention of cable theft. Nevertheless, Christatos seeks to provide an improved lock box including a safety locking mechanism in order to prevent inadvertent access to the television distribution circuitry inside the box, i.e. television cable taps and splitters, which prevents unauthorized tapping of cable television; col. 1 line 66- col. 2 lines 2.

The appellant states that the current application has additional capabilities over the prior art solutions (pages 13 and 16 last paragraph of appeal), such as the ones mentioned below; however, these additional capabilities are clearly disclosed by the references cited by the examiner in the previous office action as follows:

(i) providing functionality to remotely authorize access (Wheeler – remotely allow access to a secured space by a remote account authority, paragraphs [0022] [0095] figure 10);

(ii) providing functionality to enable unlocking (Wheeler – unlocking the lock in response to remote account authority authenticating the accessing party, paragraphs [0097] [0015]);

(iii) providing functionality to track access using a work log, which may be remotely accessed (Wheeler – account history of access transactions, paragraphs [0058] [0077]);

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(iv) incorporating an internal locking mechanism which removes external failure points of the locking mechanism (Wheeler – electrically actuated locking mechanism, which may include an internal security alarm, paragraphs [0081] [0095]);

and (v) configuring the cable distribution box to be solely powered using power from a coaxial cable line (Kamiya - Col. 7 lines 57-60, col. 9 lines 44-47 and figures 1 and 2; a plurality of tap devices 6 in a cable network are powered by power supply device 22, where each tap device includes electronic components which are powered by said power source, e.g. control circuit 54, drive circuit 56, switches, etc).

Therefore, the additional capabilities argued by the appellant are recognized and met by the cited prior art; and their combination with the physical lock of Christatos would have had a reasonable expectation of success if their teachings were combined. One of ordinary skill in the art would recognize that applying a more sophisticated known security technique, such as that of Wheeler, to improve the security aspects of a cable distribution box locking mechanism of Christatos would yield the predictable result of enhancing the already solved problem of recurring a cable distribution box by implementing more modern security techniques, further discouraging the theft of cable services, allowing companies to protect their product more competently by implementing a more efficient and sophisticated security mechanism.

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- B - With respect to claims 19, 21 – 23 and 25 – 26, appellant argues that the examiner has failed to properly weight the rebuttal evidence against the prima facie case of obviousness with respect to the claims, see page 19 of appeal brief.**

Regarding claims 19, 21 – 23 and 25 – 26, the appellant repeats the arguments articulated for independent claims 1, 19 and 30. The examiner points to the response to arguments located in page 26.

- C - With respect to claim 8, appellant argues that the examiner has failed to properly weight the rebuttal evidence against the prima facie case of obviousness with respect to the claims, see page 20 of appeal brief.**

Regarding claim 8, the appellant repeats the arguments articulated for independent claims 1, 19 and 30. The examiner points to the response to arguments located in page 26.

- D - With respect to claims 11, 24, 31 and 32, appellant argues that the examiner has failed to properly weight the rebuttal evidence against the prima facie case of obviousness with respect to the claims, see page 20 of appeal brief.**

Regarding claims 11, 24, 31 and 32, the appellant repeats the arguments articulated for independent claims 1, 19 and 30. The examiner points to the response to arguments located in page 26.

E - With respect to claims 14, 27 and 34, appellant argues that the examiner has failed to properly weight the rebuttal evidence against the prima facie case of obviousness with respect to the claims, see page 21 of appeal brief.

Regarding claims 14, 27 and 34, the appellant repeats the arguments articulated for independent claims 1, 19 and 30. The examiner points to the response to arguments located in page 26.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Junior O Mendoza/
Examiner, Art Unit 2423

Conferees:

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423

/Christopher Kelley/
Supervisory Patent Examiner, Art Unit 2424